IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 17021 of 2007(B)

OP(MV).1333/1993 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

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PETITIONER:

CHACKO @ KOCHACKO, S/O. PAILY,
MOOLETHADATHIL HOUSE, ARAKKUNNAM,
EDAKKATTUVAYAL VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY TO REVENUE DEPARTMENT
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR,**
   ERNAKULAM, CIVIL STATION, KAKKANADU (P.O),
   ERNAKULAM.

3. **THE DEPUTY TAHSILDAR (R.R),**
   KANAYANNOOR TALUK, ERNAKULAM.

4. **THE VILLAGE OFFICER,**
   EDAKKATTUVAYAL VILLAGE, ARAKKUNNAM (P.O),
   MULAMTHURUTHY (VIA), ERNAKULAM DISTRICT.

5. **M.K. ULAHANNAN, S/O. KURIAKKO,**
   MANAKKATTU HOUSE, EDAKKATTUVAYAL,ARAKKUNNAM P.O.,
   MULAMTHURUTHY (VIA), ERNAKULAM DISTRICT.

6. **SURESH, S/O. DAMODARAN,**
   THARIKKARAYIL HOUSE, UZHAKKODU KARA,
   EDAKKATTUVAYAL VILLAGE, ARAKKUNNAM (P.O),
   MULAMTHURUTHY (VIA), ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI.M.R.SABU
SRI.BIJU .C. ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.17021/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AWARD OPF THE MACT IN OP(MV) 1333/93 DT. 30.7.98.

EXT.P2:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN MFA. NO.980/99 DT. 18.3.03.

EXT.P3:- COPY OF THE RR NOTICE ISSUED TO RESPONDENTS 5 & 6 DT. 20.7.04.

EXT.P4:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC. 27191/04 DT. 20.12.05.

EXT.P5:- COPY OF THE LETTER SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT, DT. 5.9.05.

EXT.P6:- COPY OF THE THANDAPPER ACCOUNT OBTAINED FROM THE VILLAGE OFFICE.

.EXT.P7:_ COPY OF THE THANDAPPER ACCOUNT OBTAINED FROM THE VILLAGE OFFICE.

EXT.P8:- COPY OF THE LOCATION SKETCH OF THE PROPERTY ISUED FORM THE VILLAGE OFFICE.

EXT.P9:- COPY OF THE REPLY SUBMITTED BY THE 4TH RESPONDENT.

EXT.P10:- COPY OF THE LAWYER NOTICE CAUSED TO THE RESPONDENTS 2 TO 4 DT. 16.3.07.

EXT.P11:- COPY OF THE LETTER SENT BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT DT. 24.3.07.

/TRUE COPY/

P.S. TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) No. 17021 OF 2007 B
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Dated this the 23rd October, 2007

J U D G M E N T

It is now submitted that the 5th respondent has satisfied the amount due under Ext. P1 award and that in view of this any further order for taking revenue recovery against respondents 5 and 6 is not necessary. Counsel for the 5th respondent points out that before making payment of the dues under Ext. P1, revenue recovery action was already initiated and that his movables have been attached and that since the award is now satisfied, the attachment is liable to be lifted. In view of the fact that the 5th respondent has already discharged the liability under the award the respondents 2 to 4 shall lift the attachment of the movables of the 5th respondent immediately.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-